

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

LARRY ECKSTEIN, M.D.)

File No. 16-2005-170559

Physician's and Surgeon's)
Certificate No. G 29690)

Respondent.)
_____)

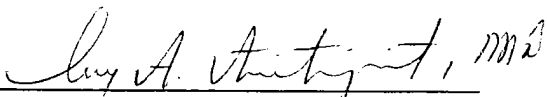
DECISION

The attached Stipulation and Order for Surrender of License is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 16, 2006.

IT IS SO ORDERED June 9, 2006.

MEDICAL BOARD OF CALIFORNIA

By: 
Cesar A. Aristeiguieta, M.D., Chair
Panel A
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS, State Bar No. 115092
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Avenue, Suite 11000
5 San Francisco, California 94102
Telephone: (415) 703-5552
6 Facsimile: (415) 703-5480
7 Attorneys for Complainant

8
9 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 16-2005-170559

13 **Larry Eckstein, M.D.**
14 2760 29th Street, Ste.2-D
Boulder, CO 80301

**STIPULATION AND ORDER FOR
SURRENDER OF LICENSE**

15 (address of record)

16 Physician's & Surgeon's License No. G 29690

17 Respondent.
18

19
20 In the interest of a prompt and speedy resolution of the above entitled action that is
21 consistent with the public interest and the responsibility of the Medical Board of California
22 (hereinafter the "Board"), the parties hereby agree to the following Stipulated Surrender of
23 License and Order ("Stipulation") which will be submitted to the Board for approval and
24 adoption as the final disposition of Accusation No. 16-2005-170559 ("Accusation") pending in
25 this matter.

26 1. David T. Thornton, (Complainant) is the Executive Director of the
27 Medical Board of California. He brought this action solely in his official capacity and is
28 represented in this matter by Bill Lockyer, Attorney General of the State of California, and by

1 Susan K. Meadows, Deputy Attorney General. A true and correct copy of the Accusation is
2 attached hereto and made a part hereof as Exhibit A.

3 2. Respondent, Larry Eckstein, M.D., is represented in this proceeding by
4 attorney, Jonathan L. Miller, Law Offices of Jonathan L. Miller, whose address of record is 1790
5 30th Street, Suite 280, Boulder, CO 80301.

6 3. On or about July 1, 1975, the Medical Board of California issued
7 Physician's and Surgeon's Certificate No. G 29690 to respondent. Respondent's license is
8 renewed and current with an expiration date of April 30, 2007. On August 11, 1998, an
9 Accusation in Case No. 06-95-53471 was filed against respondent by the Board. That
10 Accusation was resolved on May 11, 2000, when respondent was publicly reprimanded by the
11 Board for failing to maintain adequate records.

12 **ADVISEMENT AND WAIVERS**

13 4. Respondent has carefully read, fully discussed with counsel, and
14 understands the charges and allegations in the Accusation. Respondent also has carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
16 and Order.

17 5. Respondent is fully aware of his legal rights in this matter, including the
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
19 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
20 the right to present evidence and to testify on his own behalf; the right to the issuance of
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to
22 reconsideration and court review of an adverse decision; and all other rights accorded by the
23 California Administrative Procedure Act and other applicable laws.

24 6. Respondent voluntarily, knowingly, and intelligently waives and gives up
25 each and every right set forth above.

26 7. Respondent understands that the charges and allegations in the
27 Accusation, if proven at a hearing, would constitute cause for disciplinary action against his
28 physician's and surgeon's license by the Board and agrees to the Order set forth below.

1 8. Respondent understands that by signing this stipulation he is enabling the
2 Board to issue its order accepting the surrender of his license without further process. He
3 understands and agrees that Board staff and counsel for complainant may communicate directly
4 with the Division regarding this stipulation for surrender, without notice to or participation by
5 respondent or his counsel.

6 9. The parties understand and agree that facsimile copies of this Stipulated
7 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
8 and effect as the originals. If respondent chooses to provide a facsimile signature, respondent
9 agrees that he shall provide the original signatures to the Stipulation to complainant's counsel
10 within 5 (five) days from the date respondent signed the Stipulation.

11 10. In consideration of the foregoing recitals, the parties agree that the Board
12 may, without further notice or formal proceeding, issue and enter the following Order:

13 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. G
14 29690 issued to respondent, Larry Eckstein, M.D., is surrendered and accepted by the Board.

15 11. Upon acceptance of the stipulation by the Board, respondent understands
16 that he will no longer be permitted to practice as a physician and surgeon in California, and
17 agrees to surrender and cause to be immediately delivered to the Board or its designee both his
18 license and wallet certificate before the effective date of the decision.

19 12. Respondent fully understands and agrees that if he ever files an application
20 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
21 petition for reinstatement of a revoked license, except that respondent will be permitted to
22 petition for reinstatements of his license two years after the effective date of the Decision.
23 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
24 revoked license in effect at the time the petition is filed. For purposes of the reinstatement
25 proceeding only, and not for purposes of any other proceeding, all of the charges and allegations
26 contained in Accusation No. 16 2005 170559 shall be deemed to be true, correct, and admitted by
27 respondent when the Board determines whether to grant or deny the petition. Respondent further
28 agrees that, at the petition for reinstatement hearing, the Board may consider all of the

1 investigative materials relating to Accusation Case No. 16 2005 170559.

2 13. This stipulation and surrender of license shall be subject to the approval of
3 the Board. If the Board fails to adopt this stipulation as its decision in this matter, it shall have no
4 force or effect on either party.

5 ACCEPTANCE

6 I have carefully read the above Stipulated Surrender of License and Order and
7 have fully discussed it with my attorney, Jonathan L. Miller. I understand the stipulation and the
8 effect it will have on my license. By signing this stipulation, I recognize that upon its formal
9 acceptance by the Board, I will lose all rights and privileges to practice as a physician and
10 surgeon in the State of California. I enter into this Stipulated Surrender of License and Order
11 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
12 Board. I will cause to be delivered to the Board both my license and wallet certificate before the
13 effective date of the decision.

14 DATED: 5/5/06

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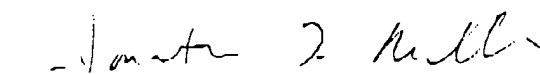
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Larry Eckstein, M.D.
Respondent

I have read and fully discussed with respondent the terms and conditions and other
matters contained in this Stipulated Surrender of License and Order. I approve its form and
content.

DATED: 5/5/06


Jonathan L. Miller
Law Offices of Jonathan L. Miller
Attorney for Respondent

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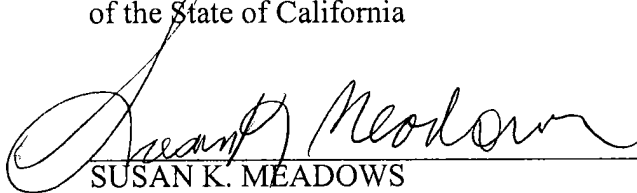
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully
submitted for consideration by the Board.

DATED: 5/24/06.

BILL LOCKYER, Attorney General
of the State of California



SUSAN K. MEADOWS
Deputy Attorney General

Attorneys for Complainant

Exhibit A: Accusation No. 16-2005-170559

EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General [115092]
4 455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
5 Telephone: (415) 703-5552
Facsimile: (415) 703-5480

6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO February 9, 2006
BY Allen Moore ANALYST

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 16-2005-170559

12 **Larry Eckstein, M.D.,**
13 2760 29th Street, Ste. 2-D
Boulder, CO 80301

ACCUSATION

14 Address of Record

15 Physician and Surgeon's
16 Certificate No. G-29690

17 Respondent.

18
19 The Complainant alleges:

20 **PARTIES**

21 1. Complainant David T. Thornton is the Executive Director of the Medical
22 Board of California (hereinafter the "Board") and brings this accusation solely in his official
23 capacity.

24 2. On or about July 1, 1975, Physician and Surgeon's Certificate No. G 29690
25 was issued by the Board to Larry Eckstein, M.D. (hereinafter "respondent"). Respondent's
26 certificate is renewed and current with an expiration date of April 30, 2007. On August 11,
27 1998, an Accusation was filed against respondent by the Board. That Accusation was resolved

1 on May 11, 2000, when respondent was publicly reprimanded by the Board for failing to
2 maintain adequate records. A true and correct copy of the Board's Decision and Order which
3 was effective May 11, 2000 is attached hereto as Exhibit A.

4 JURISDICTION

5 3. This accusation is brought before the Division of Medical Quality of the
6 Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"),
7 under the authority of the following sections of the California Business and Professions Code
8 (hereinafter "Code") and/or other relevant statutory enactment:

9 A. Section 2227 of the Code provides in part that the Board may revoke,
10 suspend for a period of not to exceed one year, or place on probation, the license of any
11 licensee who has been found guilty under the Medical Practice Act, and may recover the
12 costs of probation monitoring if probation is imposed.

13 B. Section 2305 of the Code provides, in part, that the revocation, suspension,
14 or other discipline, restriction or limitation imposed by another state upon a license to
15 practice medicine issued by that state, that would have been grounds for discipline in
16 California under the Medical Practice Act, constitutes grounds for discipline for
17 unprofessional conduct.

18 C. Section 141 of the Code provides:

19 "(a) For any licensee holding a license issued by a board under the
20 jurisdiction of a department, a disciplinary action taken by another state, by any agency of
21 the federal government, or by another country for any act substantially related to the
22 practice regulated by the California license, may be a ground for disciplinary action by the
23 respective state licensing board. A certified copy of the record of the disciplinary action
24 taken against the licensee by another state, an agency of the federal government, or by
25 another country shall be conclusive evidence of the events related therein."

26 "(b) Nothing in this section shall preclude a board from applying a
27 specific statutory provision in the licensing act administered by the board that provides

1 for discipline based upon a disciplinary action taken against the licensee by another state,
2 an agency of the federal government, or another country."

3 4. Respondent is subject to discipline within the meaning of section 141 of
4 the Code and is guilty of unprofessional conduct and subject to disciplinary action within the
5 meaning of section 2305 of the Code as more particularly set forth herein below.

6 **FIRST CAUSE FOR DISCIPLINE**

7 (Discipline, Restriction, or Limitation Imposed by Another State)

8 5. On or about August 11, 2005, the Colorado State Board of Medical
9 Examiners issued a Letter of Admonition regarding respondent's license to practice medicine in
10 Colorado. The basis for this action was the prescribing of medications, including narcotics, to a
11 patient who had relocated to the state of Virginia without personally seeing the patient for
12 clinical evaluation and follow-up. Respondent was encouraged to consider additional education
13 regarding professional boundaries and appropriate prescribing practices.

14 6. Attached hereto as Exhibit B is a true and correct copy of the Letter of
15 Admonition dated August 11, 2005.

16 7. Respondent's conduct and the action of the Colorado State Board of
17 Medical Examiners, as set forth in paragraph 5, above, constitute unprofessional conduct and
18 grounds for disciplinary action within the meaning of section 2305 of the Code, and/or conduct
19 subject to discipline within the meaning of section 141(a) of the Code.

20 **PRAYER**

21 **WHEREFORE**, the complainant requests that a hearing be held on the matters
22 herein alleged, and that following the hearing, the Division issue a decision:

- 23 1. Revoking or suspending Physician and Surgeon's Certificate Number G
24 29690 heretofore issued to respondent Larry Eckstein, M.D.;
- 25 2. Ordering respondent to pay the Division the costs of probation monitoring
26 upon order of the Division; and,
- 27 3. Revoking, suspending or denying approval of the respondent's authority to

1 supervise physician assistants; and,

2 4. Taking such other and further action as the Division deems necessary and
3 proper.

4 DATED: February 9, 2006.

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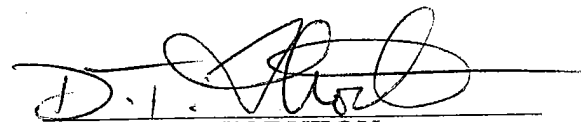
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DAVID T. THORNTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

EXHIBIT A

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

LARRY ECKSTEIN, M.D.

Physician's and Surgeon's
Certificate #G-29690

Respondent.

MEDICAL BOARD OF CALIFORNIA
File No: 06-1995-3344

I do hereby certify that this document is a true
and correct copy of the original on file in this
office.

Signature

Title

Date


DECISION AND ORDER

The attached Agreement is hereby adopted as the Decision and Order of the
Division of Medical Quality of the Medical Board of California, Department of Consumer
Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 11, 2000.

IT IS SO ORDERED April 11, 2000

MEDICAL BOARD OF CALIFORNIA



Anabel Anderson Imbert, M.D.
Chair, Panel A
Division of Medical Quality

1 BILL LOCKYER
Attorney General of the State of California
2 ELISA B. WOLFE (State Bar No. 120357)
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1233
Telephone: (213) 897-2555

5 Attorneys for Complainant
6
7

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) Case No. 06-95-53471
Against:)
12) OAH No. L-1999020333
LARRY ECKSTEIN, M.D.)
13 3434 47th Street, Suite 250)
Boulder, Colorado 80301)
14 Physician and Surgeon's Certificate) **AGREEMENT**
No. G29690,)
15 Respondent.)
16

17
18 **IT IS HEREBY STIPULATED AND AGREED** by and between **RON**
19 **JOSEPH** ("complainant") and **LARRY ECKSTEIN, M.D.** ("respondent") that
20 the following matters are true:
21

22 **PARTIES AND JURISDICTION**

23 1. Complainant is the Executive Director of the Medical
24 Board of California ("Board"). As Executive Director, complainant
25 is empowered to bring accusations for disciplinary action against
26 licensees of the Board and to enter into agreements in resolution
27 of charges set forth in accusations.

1 2. Complainant is represented in this matter by BILL
2 LOCKYER, Attorney General of the State of California, by and
3 through Elisa B. Wolfe, Deputy Attorney General.

4 3. At all times relevant herein, respondent has held
5 Physician's and Surgeon's Certificate No. G29690, issued by the
6 Medical Board of California. Currently, respondent's physician's
7 and surgeon's certificate is in an inactive status.

8 4. Respondent is represented in this matter by Mark A.
9 Levin, Esq., of the Law Offices of Lewin & Levin, A Partnership of
10 Professional Corporations, whose address is 1925 Century Park East,
11 Suite 850, Los Angeles, California 90067-2709.

12 5. On or about August 11, 1998, complainant, in his
13 official capacity and not otherwise, filed with the Board's
14 Division of Medical Quality ("Division") an accusation bearing
15 Board Case No. 06-95-53471. Said accusation is currently pending
16 against Larry Eckstein, M.D., the respondent named therein. A true
17 and correct copy of the Accusation on file in Board Case No. 06-95-
18 53471 is attached hereto and incorporated herein by this reference.

19 6. On or about August 31, 1998, the Accusation in Board
20 Case No. 06-95-53471, together with all statutorily required
21 documents, was duly served on the respondent. On or about
22 September 16, 1998, respondent filed his Notice of Defense
23 contesting the Accusation.

RECITALS, ADVISEMENTS & WAIVERS

1
2 7. Respondent and his attorney have fully read and
3 discussed the charges contained in the Accusation on file in Board
4 Case No. 06-95-53471. Respondent has been fully advised regarding
5 his legal rights and the effects of this Agreement.

6 8. Respondent understands the nature of the charges
7 alleged in the Accusation and that, if proven at hearing, the
8 charges and allegations could constitute cause for imposing
9 discipline upon his Physician's and Surgeon's Certificate.
10 Respondent is fully aware of his right to a hearing on the charges
11 contained in the Accusation, his right to confront and cross-
12 examine witnesses against him, his right to the use of subpoenas to
13 compel the attendance of witnesses and the production of documents
14 in both defense and mitigation of the charges, his right to
15 reconsideration, court review, and any and all other rights
16 accorded by the California Administrative Procedure Act and other
17 applicable laws.

18 9. Respondent knowingly, voluntarily and irrevocably
19 waives and gives up each and every one of these rights.

20 10. With respect to the matters alleged in the
21 Accusation on file on Board Case No. 06-95-53471, respondent agrees
22 that he did not maintain adequate medical records as to patient
23 L.C. and that such conduct constitutes sufficient cause for license
24 discipline. Respondent further agrees that the Division has
25 jurisdiction for issuing an order and concomitant decision adopting
26 the parties' resolution of this matter. Respondent agrees to be
27 bound by the terms of the Division's decision and order, infra.

11. This agreement, when adopted by the Division, shall constitute, as to respondent, a final resolution of the allegations set forth in the Accusation on file in Board Case No. 06-95-53471.

12. Based on the foregoing stipulated matters, the parties agree that the Division may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED THAT respondent LARRY ECKSTEIN, M.D., is publicly reprimanded for failing to maintain adequate medical records.

IT IS FURTHER ORDERED THAT, within six (6) months of the effective date of this Order, respondent shall reimburse the Division the sum of \$1500.00 for its costs of investigation and prosecution in the above-entitled matter. Any failure by respondent to reimburse the Division fully and timely shall constitute a violation of the Division's Order, unless, in light of persuasive evidence of financial hardship, the Division or its designee agrees in writing to a revised payment plan. The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to reimburse the Division for its investigation and prosecution costs.

IT IS FURTHER ORDERED THAT if respondent ever applies to the Medical Board of California for a reactivation of his physician's and surgeon's certificate, then respondent shall be required to satisfy successfully and timely the conditions listed below, prior to a reactivation of his certificate. If respondent fails to successfully or timely satisfy the ensuing conditions,

1 then his application for reactivation shall be denied. The
2 conditions which respondent must satisfy, prior to a reactivation
3 of his physician's and surgeon's certificate, are as follows:

4 1. **CLINICAL TRAINING PROGRAM:** Within 90 days of the
5 Medical Board's receipt of respondent's written application to
6 reactivate his physician's and surgeon's certificate, respondent
7 shall submit to the Medical Board or its designee, for its prior
8 approval, a clinical training or educational program such as the
9 Physician Assessment and Clinical Education ("PACE") Program
10 offered by the School of Medicine at the University of California,
11 San Diego, or other equivalent program. The exact number of hours
12 and specific content of the program shall be determined by the
13 Medical Board or its designee. Respondent shall successfully and
14 timely complete the clinical training program, and thereby shall
15 comply with all clinical training program requirements, and shall
16 be required to pass an examination related to the program's
17 contents, to be administered by the Medical Board or its designee.
18 Respondent shall pay the costs of all clinical training or
19 educational programs.

20 Respondent shall complete the clinical training program
21 within 270 days of his written request to reactivate his
22 physician's and surgeon's certificate, unless the Medical Board or
23 its designee agrees in writing to additional time.

24 If respondent fails to successfully and timely complete
25 the clinical training program, then his application for
26 reactivation of his physician's and surgeon's certificate shall be
27 denied. Also, respondent's failure to successfully or timely

1 complete the clinical training program may be deemed unprofessional
2 conduct in any future proceeding before the Medical Board, or any
3 of its Divisions.

4 2. **PAYMENT OF ANY AMOUNTS DUE AND OWING:** Within 90 days
5 of the Medical Board's receipt of respondent's written application
6 to reactivate his physician's and surgeon's certificate, respondent
7 shall tender to the Medical Board or its designee any unpaid
8 portion of the \$1500.00 sum for the Division's costs of
9 investigation and prosecution of Board Case No. 06-95-53471.

10 If respondent fails to fully and timely pay said sums,
11 then his application for reactivation of his physician's and
12 surgeon's certificate shall be denied. Also, respondent's failure
13 to fully or timely pay said sums may be deemed unprofessional
14 conduct in any future proceeding before the Medical Board, or any
15 of its Divisions.

16

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CONTINGENCY


18 This Agreement shall be subject to the approval of the
19 Division of Medical Quality. Respondent understands and agrees
20 that Board staff and counsel for complainant may communicate
21 directly with the Division regarding this Agreement, without notice
22 to or participation by respondent or his counsel. If the Division
23 fails to adopt this Agreement as its Order in this matter, the
24 agreement itself shall be of no force or effect, it shall be
25 inadmissible in any legal action between the parties, and the
26 Division shall not be disqualified from further action in this
27 matter by virtue of its consideration of this agreement.

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ACCEPTANCE

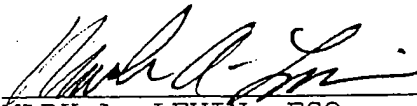
I have read the above Agreement. I have fully discussed the terms and conditions and other matters contained therein with my attorney, Mark A. Levin, Esq. I understand the effect this Agreement will have on my Physician's and Surgeon's Certificate, and agree to be bound thereby. I enter this Agreement freely, knowingly, intelligently and voluntarily.

DATED: 11/3/99.


LARRY ECKSTEIN, M.D.
Respondent

I have read and fully discussed the terms and conditions and other matters contained in the above Agreement with respondent Larry Eckstein, M.D., and approve of its form and content.

DATED: 11/1/99.


MARK A. LEVIN, ESQ.
Attorney for Respondent

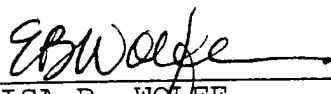
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ENDORSEMENT

The foregoing Agreement is hereby respectfully submitted
for the consideration of the Division of Medical Quality, Medical
Board of California, Department of Consumer Affairs.

DATED: 12-31-99

BILL LOCKYER, Attorney General
of the State of California


ELISA B. WOLFE
Deputy Attorney General

Attorneys for Complainant

1 DANIEL E. LUNGREN, Attorney General
2 of the State of California
3 ELISA B. WOLFE (State Bar No. 120357)
4 Deputy Attorney General
5 California Department of Justice
6 300 South Spring Street, Suite 5212
7 Los Angeles, California 90013-1233
8 Telephone: (213) 897-2555

9 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 11 19 98
BY Frederick C. Hunsicker ANALYST

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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation) Case No. 06-95-53471
Against:)

LARRY ECKSTEIN, M.D.) ACCUSATION

3065 Center Green Drive, Suite 110)
Boulder, Colorado 80301)

Physician and Surgeon's Certificate)
No. G29690,)

Respondent.)

The Complainant alleges:

PARTIES

1. Ron Joseph ("Complainant") brings this accusation solely in his official capacity as the Executive Director of the Medical Board of California ("Board").

2. On or about July 1, 1975, the Board issued Physician and Surgeon's Certificate No. G29690 to Larry Eckstein, M.D. ("respondent"). At all times relevant to the charges brought herein, this license has been in full force and effect.

JURISDICTION AND LEGAL AUTHORITY

3. This accusation is brought before the Division of Medical Quality ("Division") of the Medical Board of California, Department of Consumer Affairs, under the authority of the following sections of the Business and Professions Code (hereinafter "Code").

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

5. Section 2234 of the Code provides that unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct which would have warranted the denial of a certificate.

1 6. Section 725 of the Code provides that repeated acts
2 of clearly excessive prescribing or administering of drugs or
3 treatment, repeated acts of clearly excessive use of diagnostic
4 procedures, or repeated acts of clearly excessive use of diagnostic
5 or treatment facilities as determined by the standard of the
6 community of licensees is unprofessional conduct.

7 7. Section 2266 of the Code provides that the failure
8 of a physician and surgeon to maintain adequate and accurate
9 records relating to the provision of services to their patients
10 constitutes unprofessional conduct.

11 8. Section 2264 of the Code states that, "The
12 employing, directly or indirectly, the aiding, or the abetting of
13 any unlicensed person or any suspended, revoked, or unlicensed
14 practitioner to engage in the practice of medicine or any other
15 mode of treating the sick or afflicted which requires a license to
16 practice constitutes unprofessional conduct."

17 9. Section 2242, subdivision (a), of the Code provides
18 that, "Prescribing, dispensing, or furnishing dangerous drugs as
19 defined in Section 4211 [repealed and replaced by section 4022]
20 without a good faith prior examination and medical indication
21 therefor, constitutes unprofessional conduct."

22 10. "Percocet," a brand name for a drug which contains
23 5 mg. of oxycodone hydrochloride and 325 mg. of acetaminophen, is
24 a dangerous drug under section 4022 and a Schedule II controlled
25 substance under California Health and Safety Code section 11055,
26 subdivision (b) (1) (N).

27 /

1 11. Section 125.3 of the Code provides, in part, that
2 the Division may request the administrative law judge to direct any
3 licentiate found to have committed a violation or violations of the
4 licensing act, to pay the Division a sum not to exceed the
5 reasonable costs of the investigation and enforcement of the case.

6 12. Section 16.01 of the Budget Act of the State of
7 California provides, in pertinent part, that:

8 (a) No funds appropriated by this act may be expended to
9 pay any Medi-Cal claim for any service performed by a
10 physician while that physician's license is under suspension
11 or revocation due to disciplinary action of the Medical Board
12 of California.

13 (b) No funds appropriated by this act may be expended to
14 pay any Medi-Cal claim for any surgical services or other
15 invasive procedure performed on any Medi-Cal beneficiary by a
16 physician if that physician has been placed on probation due
17 to a disciplinary action of the Medical Board of California
18 related to the performance of that specific service or
19 procedure on any patient, except in any case where the board
20 makes a determination during its disciplinary process that
21 there exist compelling circumstances that warrant continued
22 Medi-Cal reimbursement during the probationary period.

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1 foot. Respondent ordered a lab test, which was done on or about
2 May 22, 1993. The results showed high levels of glucose, choles-
3 terol, and triglycerides. Respondent opined that the problem was
4 likely a hematoma or healing blister, and prescribed antibiotics.
5 He also ordered X-rays, which were taken on or about May 28, 1993;
6 the radiological report thereof showed evidence of osteomyelitis
7 developing around the toe. Respondent then changed the
8 prescription to Tetracycline and Vicodin.

9 D. E.B. continued to see the homeopathic prac-
10 titioner for the next several days, during which time her foot
11 developed a foul odor at the site of the swelling. Respondent
12 personally did not see E.B. until on or about June 9, 1998, at
13 which point he noted a "local infection and cellulitis" of the toe.
14 He ordered follow-up x-rays, which were taken two days later and
15 showed evidence that the osteomyelitis was worsening. Respondent
16 then referred E.B. to an orthopedic surgeon who practiced at a
17 hospital near her home.

18 E. E.B. went to the hospital and saw the ortho-
19 pedic surgeon, who determined her foot had gangrene. He referred
20 her to other practitioners, who first attempted to get her diabetes
21 under control and then performed an amputation of her toe. At no
22 time prior to this had E.B. been informed by respondent of the
23 possibility of gangrene or the consequences of osteomyelitis.

24 F. During his treatment of patient E.B.,
25 respondent committed the following acts and omissions:

- 26 i) He failed to properly diagnose gangrene in E.B.'s
27 toe;

1 ii) He failed to properly and aggressively treat a wound
2 infection in a known diabetic;

3 iii) He inappropriately prescribed Tetracycline to a
4 patient with possible osteomyelitis;

5 iv) He failed to treat the possible osteomyelitis in a
6 timely and aggressive fashion, especially considering that
7 E.B. was known to be diabetic;

8 v) Although E.B. allegedly refused any treatment other
9 than homeopathic, respondent failed to adequately inform her
10 of the risks of delaying allopathic treatment; and

11 vi) He allowed an unlicensed individual to continue to
12 treat E.B. despite her diabetes and evidence of infection and
13 osteomyelitis.
14

15 Patient "L.C." (1986-1991)

16 G. On or about October 20, 1986, patient L.C. pre-
17 sented to the California Medical Clinic for the first time (al-
18 though respondent had previously treated her at another location).
19 L.C.'s complaints at this time included abdominal pain secondary to
20 apparent endometriosis, as well as cramps and other difficulties
21 associated with alleged early menstrual periods. Over time,
22 respondent also treated her for alleged thyroid problems, and she
23 sporadically complained of constant fatigue and allergies.

24 H. Respondent treated L.C. through on or about
25 August 14, 1991. During this time, respondent prescribed for her
26 numerous drugs, including but not limited to Percocet (for pain, on
27 a regular basis for five years in amounts ranging from 15 to 54

1 units), a thyroid medication (for hypothyroidism, on an irregular
2 basis for five years), and Prednisone (for allergies and fatigue,
3 on a regular basis during 1990 and 1991).

4 I. During his treatment of L.C., respondent
5 committed the following acts and omissions:

6 i) He failed to support or confirm the diagnoses of
7 endometriosis, hypothyroidism, and chronic fatigue with proper
8 examinations, including physical and laboratory evaluations,
9 or in the alternative, failed to document same;

10 ii) He prescribed medications without supporting or
11 confirming the relevant supporting diagnoses;

12 iii) He failed to periodically check hormone and T4
13 levels, or in the alternative, failed to document same, while
14 prescribing high amounts of thyroid medication; and

15 iv) He prescribed Percocet for an excessive length of
16 time without adequate monitoring, without attempting
17 alternative therapies, and without addressing his alleged
18 suspicions and concerns that "L.C." was a "drug-seeker" who
19 was altering dosages on the prescriptions.
20

21 SECOND CAUSE FOR DISCIPLINE

22 (Repeated Negligent Acts; patients E.B., L.C.)

23 14. Respondent engaged in unprofessional conduct, and
24 therefore is subject to disciplinary action, under section 2234,
25 subdivision (c), of the Code in that he has committed repeated acts
26 of negligence during his care and treatment of patients. The
27 circumstances are as follows:

1 A. Paragraph 13, subparagraphs (A)-(I) are
2 incorporated by reference as if set forth at this point.

3
4 **THIRD CAUSE FOR DISCIPLINE**

5 (Incompetence; patients E.B., L.C.)

6 15. Respondent engaged in unprofessional conduct, and
7 therefore is subject to disciplinary action, under section 2234,
8 subdivision (d), of the Code in that he has committed acts of
9 incompetence during his care and treatment of patients. The
10 circumstances are as follows:

11 A. Paragraph 13, subparagraphs (A)-(I) are
12 incorporated by reference as if set forth at this point.

13
14 **FOURTH CAUSE FOR DISCIPLINE**

15 (Excessive Prescribing; patient L.C.)

16 16. Respondent engaged in unprofessional conduct, and
17 therefore is subject to disciplinary action, under sections 725 and
18 2234 of the Code, jointly and severally, in that he engaged in
19 excessive prescribing of patient L.C. The circumstances are as
20 follows:

21 A. Paragraph 13, subparagraphs (G)-(I) are
22 incorporated by reference as if set forth at this point.

23
24 **FIFTH CAUSE FOR DISCIPLINE**

25 (Inadequate Records; patients E.B., L.C.)

26 17. Respondent engaged in unprofessional conduct, and
27 therefore is subject to disciplinary action, under section 2266 of

1 the Code in that he failed to maintain adequate records of his care
2 and treatment of patients. The circumstances are as follows:

3 A. Paragraph 13, subparagraphs (A)-(I) are
4 incorporated by reference as if set forth at this point.

5
6 **SIXTH CAUSE FOR DISCIPLINE**

7 (Aiding and Abetting Unlicensed Practice; patient E.B.)

8 18. Respondent engaged in unprofessional conduct, and
9 therefore is subject to disciplinary action, under section 2264 of
10 the Code in that he aided and abetted an unlicensed individual's
11 practice of medicine. The circumstances are as follows:

12 A. Paragraph 13, subparagraphs (A)-(F) are
13 incorporated by reference as if set forth at this point.

14
15 **SEVENTH CAUSE FOR DISCIPLINE**

16 (Prescribing without Good Faith Prior Exam, Medical Indication;
17 patient L.C.)

18 19. Respondent engaged in unprofessional conduct, and
19 therefore is subject to disciplinary action, under section 2242,
20 subdivision (a), of the Code in that he prescribed Percocet and
21 other dangerous drugs over an extended period of time without a
22 good faith prior exam or medical indication for the prescription.
23 The circumstances are as follows:

24 A. Paragraph 13, subparagraphs (G)-(I) are
25 incorporated by reference as if set forth at this point.

26 /

27 /

PRAYER

20. For the reasons set forth in paragraphs 1 through 19, supra, there exists good cause to take disciplinary action against respondent's physician's and surgeon's certificate.

WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division issue a decision:

1. Imposing discipline on Physician and Surgeon's Certificate Number G29690, heretofore issued to respondent Larry Eckstein, M.D.;

2. Revoking, suspending or denying approval of respondent's authority to supervise physician's assistants, pursuant to section 3527 of the Code;

3. Ordering respondent to pay the Division the reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring;

4. Taking such other and further action as the Division deems necessary and proper.

DATED: 8-11-98.

for Elisa B Wolfe Deputy Att'y Gen'l
Ron Joseph
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

EXHIBIT B

STATE OF COLORADO

STATE BOARD OF MEDICAL EXAMINERS

Susan Miller, Program Director

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Department of Regulatory Agencies

Tambor Williams
Executive Director

Division of Registrations

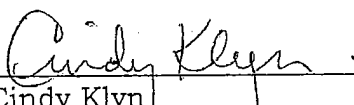
Rosemary McCool
Director



Bill Owens
Governor

I, Cindy Klyn, Enforcement Program Manager and Custodian of Records, do hereby certify that the attached copy of the Letter of Admonition dated August 11, 2005 and Stipulation and Final Agency Order regarding the disciplinary proceedings against the license to practice medicine of Larry Eckstein, M.D., License No. 33042, is a true and correct copy of the document on file with the Colorado State Board of Medical Examiners.

Subscribed and sworn to me this 2nd day of November 2005


Cindy Klyn
Enforcement Program Manager
Colorado State Board of Medical Examiners
1560 Broadway, Suite 1300
Denver, CO 80202

STATE OF COLORADO

STATE BOARD OF MEDICAL EXAMINERS
Susan Miller, Program Director

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Department of Regulatory Agencies
Tambor Williams
Executive Director

Division of Registrations
Rosemary McCool
Director



Bill Owens
Governor

VIA CERTIFIED MAIL

August 11, 2005

Case No. 2005-001568-A

Larry Eckstein, M.D.
2760 29th St., Ste. 2D
Boulder, CO 80301

Dear Dr. Eckstein:

Inquiry Panel A of the Colorado Board of Medical Examiners has reviewed the status of its inquiry regarding your care and treatment of patient M.C. It was the Panel's decision not to commence with formal proceedings against your license to practice medicine. However, the Panel did vote to administer disciplinary action to you in the form of this letter of admonition.

Board records reflect that patient M.C. was under your care from 1995 until the summer of 2002, at which time the patient relocated to Virginia. However, you continued to prescribe medications, including narcotics, to the patient after she moved to Virginia and without personally seeing her for clinical follow up. The records also indicate that you had advised patient M.C. that she needed to find a local physician, which she failed to do. However, you exercised poor judgment in continuing to prescribe for her despite the fact that you were unable to provide the appropriate standard of care because she was now residing out of state.

The Panel found your care and treatment of patient M.C. fell below the generally accepted standards of practice for a family physician in the state of Colorado and constitutes a violation of section 12-36-117 of the Colorado Revised Statutes. Specifically, the Panel found your decision to continue to prescribe for patient M.C. for more than two years after she moved to Virginia and without requiring that she be physically seen for clinical follow up raised concerns regarding your judgment and professional boundaries. The Panel also finds your prescribing practices in this case were substandard. The Panel encourages you to consider additional education regarding professional boundaries and appropriate prescribing practices.

Letter to Larry Eckstein, M.D.

Case No. 2005-001568-A

July 21, 2005

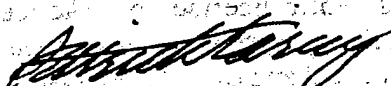
Page two

By this letter, the Panel hereby admonishes you and cautions you that complaints disclosing any repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice medicine, wherein this letter of admonition may be entered into evidence as aggravation.

You are advised that it is your right to have this case reviewed by judicial procedure. To do so, you must submit a written request within twenty (20) days after receipt of this letter. In your request, you must clearly ask that formal disciplinary proceedings be initiated against you to adjudicate the propriety of the conduct upon which this letter of admonition is based. If such request is timely made, this letter of admonition will be deemed vacated, and the matter will be processed by means of a formal complaint and hearing. This is in accordance with the provisions of the Medical Practice Act governing the discipline of licensed physicians.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS
INQUIRY PANEL A


Patrick O. Faricy, M.D.
Chair

POF/de

xc: Jonathan L. Miller, Esq.